



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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Attorney General

DIVISION OF SOCIAL JUSTICE  
Environmental Protection Bureau

June 25, 2024

BY CM/ECF

The Honorable Nelson S. Roman  
United States District Judge  
United States District Court for the Southern District of New York  
The Honorable Charles L. Brieant Jr. Federal Building  
and United States Courthouse  
300 Quarropas Street  
White Plains, NY 10601-4150

Re: *United States v. Westchester Joint Water Works*  
No. 7:24-cv-04783-NSR

Dear Judge Roman:

Our office represents proposed plaintiff-intervenors State of New York and James V. McDonald, M.D., M.P.H., in his capacity as Commissioner of the New York State Department of Health (collectively, the "State"). The State filed an unopposed motion to intervene yesterday before Your Honor was assigned to the above-referenced matter. We now write to respectfully ask that the State be excused from the pre-motion letter requirement in Your Honor's Rules of Practice, or, alternatively, that Your Honor accept this short letter as fulfilling that requirement.

The United States' complaint in this case concerns defendant Westchester Joint Water Works' violations of federal drinking water requirements [ECF No. 1]. The Water Works has also been in violation of state drinking water requirements for many years. To resolve these federal and state violations, the United States, the State, the Water Works and the three defendant municipalities, who are the constituent members of the Water Works, have negotiated and signed a consent decree, which the United States lodged with the Court yesterday when it filed its complaint [ECF No. 3-1]. That consent decree would, among other things, require the Water Works to construct and operate a filtration plant that would produce compliance with the federal and state drinking water requirements at issue.

MEMO ENDORSED

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To achieve the necessary status to be party to the consent decree, the State moved to intervene shortly after the United States filed its complaint and lodged the consent decree. Consistent with all parties' agreement to the consent decree, counsel for the United States and all defendants have indicated that no party opposes the State's intervention. Accordingly, the State respectfully suggests that under the circumstances no pre-motion letter is necessary. Alternatively, if Your Honor deems this letter sufficient to meet the requirements for a pre-motion letter we would be happy to submit it as such.

The State's motion papers meet the requirements of Your Honor's Rules of Practice regarding memoranda of law in support of motions.

Thank you for the Court's consideration of this letter.

Respectfully submitted,



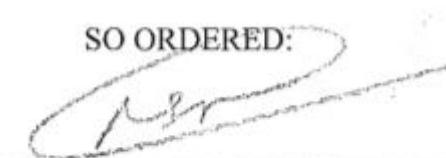
Andrew G. Frank  
Assistant Attorney General

c: All counsel of record (by CM/ECF)  
Philip Karmel, Esq. (by e-mail)  
Scott Resnik, Esq. (by e-mail)  
Robert Spolzino, Esq. (by e-mail)

**The Court GRANTS as unopposed the proposed plaintiff-intervenors' motion to intervene. The Court DIRECTS the plaintiff-intervenors to file the proposed complaint-in-intervention (ECF No. 5-1) by September 23, 2024. The Clerk of Court is kindly directed to terminate the motions at ECF Nos. 5 and 8.**

Dated: September 20, 2024  
White Plains, NY

SO ORDERED:



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NELSON S. ROMÁN  
United States District Judge